

ORDINANCE NO. 12-10

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 62 OF THE CODE OF ORDINANCES ENTITLED "STREETS AND SIDEWALKS" BY AMENDING SECTION 62-4 ENTITLED "NO CAMPING" TO INCLUDE MAKE-SHIFT SHELTERS, CARDBOARD AND TARPAULINS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West provides adequate shelter for homeless individuals, and;

WHEREAS, sleeping or camping in public spaces poses a health and safety concern to residents visitors of the City of Key West and the environment, and;

WHEREAS, Tourism is the primary industry for the City of Key West and the act of unlawful camping has a significant negative impact that creates an adverse effect on tourism and the environment, and;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That section 62-4 of the Code of Ordinances is hereby amended as follows\*:

Sec. 62-4- No Camping.

(a) Definitions

(1) *Camp or Camping* means to pitch or occupy a tent or other temporary shelter for sleeping or other habitation purposes.

(2) *Camp Facilities* means tarpaulins, costs, beds, sleeping bags, boxes or cartons, hammocks, make-shift shelters, cardboard, and portable stoves or other cooking paraphernalia.

(3) *Motor Vehicle* means any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, or moped.

~~(3)~~ (4) *Public place* means the definition provided in Section 1-2 of the Code of Ordinances. For purposes of this section, it also includes a beach within city limits ~~under the jurisdiction of the city.~~

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\*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

~~(4)~~(5) Safe zone means a public shelter provided for habitation by the City.

(b) Prohibited. No person shall camp in a public place in Key West. Camping may ~~includes~~ the use of camp facilities. There mere act of a person sleeping in a public place is not alone sufficient to constitute a violation of this section, unless there is indicia of camping, shelter or any barrier between an individual and the elements used for the purpose of sleeping or establishing a habitat. A written or verbal warning shall be issued for any first time offender of this section provided that compliance is achieved within a reasonable amount of time. Second or subsequent violations are subject to arrest pursuant to FL Statute 901.15.

(c) Personal property. In the event a person is arrested under this section, the arresting officer shall use best efforts to identify and preserve the personal property of the person.

(d) Penalty. A violation of this section shall be punishable in accordance with section 1-15 of the Code of Ordinances.

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 15th day of May, 2012.

Read and passed on final reading at a regular meeting held this 5th day of June, 2012.

Authenticated by the presiding officer and Clerk of the Commission on 5th day of June, 2012.

Filed with the Clerk June 6, 2012.

  
CRAIG CATES, MAYOR

ATTEST:

  
CHERYL SMITH, CITY CLERK



## THE CITY OF KEY WEST

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### EXECUTIVE SUMMARY

To: The City Commission for the City of Key West  
From: Ronald Ramsingh, Assistant City Attorney  
Date: May 7, 2012  
RE: Revision to the Camping ordinance

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Mr. Mayor and Commissioners:

#### Background:

This is a proposed revision to the existing ordinance concerning camping in the City of Key West. Currently, Sec. 62-4 defines camping as "To pitch or occupy a tent or other temporary shelter for sleeping or other habitation purposes." The KWPD has historically experienced difficulty in enforcing the current ordinance when it came to defining what "camping facilities" entailed. This proposal will address those concerns when an individual may not have cooking facilities, but is nevertheless sleeping in a public place with some type of barrier from the elements. Therefore, this proposal adds language that includes tarpaulins, cardboard and make-shift shelters. The proposed revision also provides for a warning for a first offense in order to educate unsuspecting violators. Second and subsequent violations are subject to arrest under FL Statute 901.15.

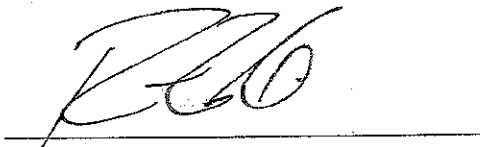
#### Options:

- 1: To pass the proposed ordinance revision, thereby making the current prohibition against camping or sleeping in public much clearer for enforcement purposes;

2. To defeat the proposed revision and the existing inadequate ordinance will continue to be enforced.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'RR', is written over a horizontal line.

Ron Ramsingh

Assistant City Attorney